

ZB# 05-62

Louis Lupinacci

57-1-98

05-62
LOUIS LUPINACCI (AREA)
MT. AIRY ROAD (57-1-98)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 11-14-05

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 57-1-98

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

LOUIS LUPINACCI

AREA

CASE #05-62

WHEREAS, William Hildreth, LS represented the, owner(s) of the property on Lake Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 27.5 ft. Minimum Lot Width for Lot #1 and Lot #2 of proposed two-lot residential subdivision R-1 Zone (57-1-98)

WHEREAS, a public hearing was held on November 14, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, one spoke in favor of and; two persons spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a Residential Property located in a neighborhood of Residential Properties in an R-1 zone.
 - (b) The applicant proposes to subdivide this lot into two separate building lots. Although this can be done without a variance, the resulting subdivision would be difficult and inappropriate for the neighborhood. The applicnat seeks permission of this Board to vary the Zoning Requirements so as to subdivide the lots in a manner consistent with the neighborhood.

- (c) If no variance were granted, a house located on at least one of the properties would have to be smaller than the other houses in the neighborhood and would have to be set back farther from the road, thus appearing to be inconsistent.
- (d) The applicant presently has a subdivision plan before the New Windsor Planning Board, which plan will not move forward until the ZBA has acted on the applicant's zoning request.
- (e) The proposed lot would be similar in size and appearance to the proposed subdivision lots on the other side of the public roadway.
- (f) The applicant proposes that if the variance is granted, no access would be provided to Vidi Drive.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s) if the condition is met that no access for either lot be granted off of Vidi Drive.

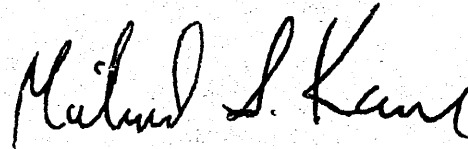
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 27.5 ft. Minimum Lot Width for Lot #1 and Lot #2 of proposed two-lot residential subdivision on Lake Road in an R-1 Zone (57-1-98) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: November 14, 2005

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 05-20

DATE: 6/23/05

APPLICANT:

Louis & Doretta Lupinacci
3 Valley Lane
Upper Saddle River, NJ 07458

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 6/10/05

FOR: SUBDIVISION

LOCATED AT: West side Lake Road

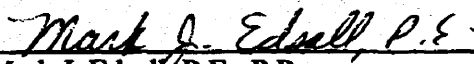
ZONE: R-1

DESCRIPTION OF EXISTING SITE: SEC: 57 BLOCK: 1 LOT: 98

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Lot Width Variance, Lots 1 & 2

TOWN OF NEW WINDSOR CODE: Bulk Regulations



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # **05-20**

ZONE: **R-1**

USE: **SFR**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	80,000	114,095/105,682	-
MIN. LOT WIDTH	175 ft	147.5/147.5	27.5 / 27.5
REQUIRED FRONT YARD	45 ft	>45	-
REQUIRED SIDE YARD	40 ft	>40	-
REQUIRED TOTAL SIDE YARD	80 ft	>80	-
REQUIRED REAR YARD	50 ft	>50	-
REQUIRED FRONTAGE	70 ft	209 / 147.5	-
MAX. BLDG. HT.	35 ft	<35	-
FLOOR AREA RATIO	n/a	-	--
MIN. LIVABLE AREA	1200 sf	>1200 sf	-
DEVELOPMENTAL COVERAGE	20%	<20%	-
O/S PARKING SPACES	-	-	-

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Louis Supinacci

DATE: 11-14-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Mr. Jonza	22 Vidi Dr.	
2.	Mr. Latauche	Lake Rd.	- Against
3.	Ms. Ryan	301 Lake Rd	Against
4.	Ms. Foley	333 Lake Rd.	for
5.			
6.			
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LOUIS_LUPINACCI_(05-62)

Mr. William Hildreth appeared before the board for this proposal.

MR. KANE: Request for 27.5 ft. minimum lot width for lot #1 and lot #2 of proposed two-lot residential subdivision on Lake Road.

MR. HILDRETH: My name is William Hildreth, I'm a surveyor who prepared the subdivision plan that we're going to be looking at for this public hearing. Okay, a little bit about the property first it's located on the west side of Lake Road, if you look at the location plan in the corner, it's about midway between the railroad bridge that goes over the railroad towards Beaver Dam Lake about halfway between there and Vidi Drive, which is a private road, property's 5.1 acres, currently vacant, it has been since it was subdivided, it became a lot in 1970, I wrote it down, 1978, the Gina Napola subdivision. At the time that was done, the large 5 acre lot said 20 year no further subdivision restriction which obviously ceased to exist in 1998. The current owner, Mr. Lupinacci, bought it in 1985, what he proposes to do is subdivide it into two lots. Our map shows basically a line going right down the middle cut it in half. The reason we're here for the variance is current lot width requirement due to the latest zoning upgrades is 175 feet, we have 147 1/2. At this time, I would like to explain to the board it is possible to get two lots here without a variance and the reason is if you look at the northwest corner, we have some frontage on the very end of Vidi Drive so I had the engineers who are working on the septic system draw up a map and I have highlighted it and what you would end up with is a lot that's somewhat tortured, the thing here is the colored lines instead of being right down the middle it would follow this red line. The reason is we would be providing required lot width in the back up against the frontage that's on

Vidi Drive for that lot and required lot width on Lake Road here it would restrict the building envelope for this lot, it would force the house farther back on that lot. Basically what we want to do is create two lots of reasonably equal value and ability to construct a single-family home and the subdivision as we propose it which requires a variance is actually more in keeping with other lots that are in the area. There's a proposed subdivision across the road. Mike, do you know if that one's gone through or not? I have the subdivision plan.

MR. BABCOCK: No, Kelly Estates is not stamped, is it?

MS. MASON: No.

MR. HILDRETH: But there again the two lots we're creating is in keeping with what's been proposed across the street, although that hasn't been approved yet and it just makes two lots of more equal development potential rather than forcing a house to be too small or farther back from the road than is really warranted. Topographically there's a slight ridge to the west of the road then it slopes down all the way to Vidi Drive in the back. We would propose no access off Vidi Drive, both homes would come off Lake Road, all of the other zoning bulk requirements are met or exceeded for this. It's basically overgrown and wooded right now, it was a pasture 40 years ago and hasn't been touched since.

MR. KANE: Makes sense to square it off rather than the wiggly lines.

MR. KRIEGER: What's on either side?

MR. HILDRETH: Houses, there's a house here and house here and if you look at the lot configuration I believe there's houses everywhere except maybe this one in the back, I'm not too sure, tax lot 97.

MR. KRIEGER: And these two proposed lots would be similar in size and nature to the other lots in the neighborhood?

MR. HILDRETH: Well, as you can see, all the Nina Napola lots were around five acres, this one would now be 2 1/2, that's larger than the 4 lots that were created at the time the Napola subdivision went in and these two lots at this size are in keeping with what's proposed across the road for Kelly Estates except for the lot width but the acreage is fair.

MR. KANE: At this point, I will ask if there's any public in the audience for this particular hearing? Please state your name and address.

MR. JONZA: August Jonza, J-O-N-Z-A, 22 Vidi Drive. We haven't seen the plans where the houses are going to go where the road right-of-ways are going to go and we were wondering if any traffic is going to come onto Vidi Drive which is now over.

MR. KANE: Show him the options.

MR. HILDRETH: Correct, if you look obviously if you live at there you're familiar with the configuration, this is Vidi Drive, this is Lake Road, these two lots, the houses are going to go up here with driveways off Lake Road, no access off Vidi Drive, none.

MR. KANE: Show him the, if you wanted to do it without a variance.

MR. JONZA: You're talking about an option to put one house behind the other?

MR. HILDRETH: Okay, it wasn't so much an option as it was an explanation as to why we'd like to have the variance.

MR. JONZA: Where are the entrances going to be?

MR. KRIEGER: The way this works is if the variances are granted, then the houses are closer to the road and they only exit off Lake Drive.

MR. JONZA: With the long corridor of property.

MR. KRIEGER: What he's looking for if they're not granted he's going to show then Vidi Drive comes into play, he doesn't need the permission of this board to do that, he doesn't want to do that.

MR. HILDRETH: Vidi Drive would only come into play because we would be using the fact that there's frontage here to make this lot compliant in which we would still have the driveways off Lake.

MR. KANE: But technically they can put a driveway from Vidi.

MR. HILDRETH: They could.

MR. JONZA: That's the problem with the frontage because right now there's more traffic on the road.

MR. KANE: But do you understand what he's saying?

MR. KRIEGER: If he gets what he's asking for Vidi Drive is out.

MR. JONZA: I think mostly everybody's concern is where are the driveways are going.

MR. HILDRETH: Lake Road. The driveways are going to come off Lake Road in front of each house.

MR. JONZA: Where are the houses going to be?

MR. HILDRETH: Basically in the center of each lot.

MR. BABCOCK: I have a map here, this is where the proposed houses are.

MR. KANE: Bottom line comes down is that he's trying to square the lots off, that's why he's here, so he can have both entrances on Lake Drive. I need to get opinions from everybody here, we're not going to spend two hours having minimal conversations around--okay, I need your name and address and if you, do you understand what he's doing? He wants to build two lots to square them off he needs a variance to do that, both driveways will be on Lake Road, okay, no entrance from Vidi. If he gets turned down, he can get two building applications, make a lot that goes like this, probably still have two entrances on Lake but they have a right to put an entrance on Vidi and he doesn't need anybody's permission. So what he's trying to do is stop the weird lots in New Windsor and just square it off. So what I'd like to do is that just get your name and address and whether you're for or against.

MR. LATOUCHE: My name is Paul Latouche (phonetic), I live on 325 Lake Road.

MR. KANE: For the proposal, against the proposal?

MR. LATOUCHE: I'd like to see a little more so right now I'd have to say opposed.

MS. RYAN: Patricia Ryan, 301 Lake Road. I have to agree, I'd like to see more so right now I would be opposed, I'd have to see more.

MR. KANE: So you guys understand, there's no see more, the vote goes down tonight, there's no see more, this is seeing. Where are you going to see more about? The proposal gets voted on either yeah or nay tonight, gets voted down then they go and do their thing, if we

approve it, then it's two square lots.

MR. HILDRETH: Are you talking about you want to see what kind of house is being built?

MR. LATOUCHE: I'm just concerned about the driveway situation.

MR. HILDRETH: With respect to Vidi Drive or?

MR. REIS: For the record, this lady's got to get it down so speak up so she can hear it.

MR. KANE: Can't be private conversations, you have to speak up, ask your questions.

MR. LATOUCHE: I'm knew to this so--

MR. HILDRETH: Driveways for the proposed homes will be off of Lake Road only and in front of the lot and they'll go to either a front entry or side entry garage depending on what kind of house is built on the lots, we aren't that far in the process, I don't think my applicant is going to build the homes, so we don't have house plans but the driveways would come in a normal sense off the road straight into the house.

MR. KANE: We need to continue, I've gotten your opinion, I have your opinion. Sir in the white your name, address?

MR. FOLEY: Robert Foley, F-O-L-E-Y, 333 Lake Road, with these more houses coming onto Lake Road and what originally it was at 30 miles an hour, now it's close to 40 miles per hour, do you think that they'd be able to lower that?

MR. KANE: It's not part of our realm here, that's, you would go to the planning board, whenever they decide to do that and the public hearing if they ever decide to

build right now they're not going to build anything from what I know, just dividing the property. For or against?

MR. FOLEY: For, for the moment, yes, for.

MR. KANE: Anybody else? Excuse me, we're having a meeting, we're up here, anybody else want to give me an opinion? Okay then please be seated. Public portion of the meeting is closed. I will ask Myra how many mailings we had.

MS. MASON: On the 25th of October, I mailed out ten addressed envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion regarding the application of Louis Lupinacci to grant the request for 27.5 foot minimum lot width for lot number 1 and lot number 2 of a proposed 2 lot subdivision, residential subdivision on Lake Road in an R-1 zone.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: November 14, 2005

PROJECT: Louis Lupinacci ZBA # 05-62
P.B.#

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ **VOTE:** A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) L S) RS VOTE: A 4 N 0

GANN	<u>A</u>
LOCEY	<u>A</u>
BROWN	<u>A</u>
MCDONALD	<u>A</u>
REIS	<u>A</u>
KANE	<u>A</u>

CARRIED: Y ✓ N .

This is a scan of a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 11, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 121.28 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-62

NAME & ADDRESS:

**Louis Lupinacci
3 Valley Lane
Upper Saddle River, NJ 07458**

THANK YOU,

MYRA

L.R.01-12-2006



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-62 TYPE: AREA TELEPHONE: 201-327-1485

APPLICANT:

Louis Lupinacci
3 Valley Lane
Upper Saddle River, NJ 07458

RESIDENTIAL:	\$ 50.00	CHECK #214
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #213



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$</u>	<u>\$</u>
PUBLIC HEARING:	<u>7</u>	PAGES	<u>\$ 38.50</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$</u>	<u>\$</u>

LEGAL AD: Publish Date: 10-28-05 \$ 48.22

TOTAL:	<u>\$108.72</u>	<u>\$ 70.00</u>
--------	-----------------	-----------------



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 178.72

AMOUNT DUE: \$

REFUND DUE: \$ 121.28

Cc:

L.R. 01-12-2006

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

LOUIS LUPINACCI

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-62

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 25TH day of **OCTOBER**, 2005, I compared the 10 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

25th day of October, 2005

J. P. MacGilligan
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-62

Request of LOUIS LUPINACCI

for a VARIANCE of the Zoning Local Law to Permit:

Request for 27.5 ft. Minimum Lot Width for Lot #1 and Lot #2 of proposed two-lot residential subdivision on Lake Road in an R-1 Zone (57-1-98)

PUBLIC HEARING will take place on NOVEMBER 14, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

September 30, 2005

Louis Lupinacci
c/o William Hildreth, L.S.
407 South Plank Road
Unit 3
Newburgh, NY 12550

Re: 57-1-98 ZBA#: 05-62 (10)

Dear Mr. Lupinacci:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is paid in full with your deposit of \$25.00.

Sincerely,

J. Todd Wile, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

57-1-4,
Francis Coleman
431 Lake Road
New Windsor, NY 12553

57-1-39.22
Francis & EmmaJean McPherson
61 Vidi Drive
Salisbury Mills, NY 12577

57-1-97
Gertrude Kuenneke
7 Vidi Drive
Salisbury Mills, NY 12577

57-1-99
Daniel & Patricia Ryan
301 Lake Road
Salisbury Mills, NY 12577

57-1-100
Steven Gerspach
56 Vidi Drive
Salisbury Mills, NY 12577

57-1-101
Paul & Linda Jonza
38 Vidi Drive
Salisbury Mills, NY 12577

57-1-102
William & Rose Marie Bracken
256-27 Grand Central Pkwy
Little Neck, NY 11362

57-1-103
Christina & Blair Kobelin
18 Bryant Street
Paramus, NJ 07652

57-1-108
Robert & Donna Foley
333 Lake Road
Salisbury Mills, NY 12577

57-1-109
Paul & Janet LaTouche
325 Lake Road
Salisbury Mills, NY 12577

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-62
Request of LOUIS LUPINACCI

for a VARIANCE of the Zoning Local Law to Permit

Request for 27.5 ft. Minimum Lot Width for Lot #1 and Lot #2 of proposed two-lot residential subdivision on Lake Road in an R-1 Zone (57-1-98)

PUBLIC HEARING will take place on November 14, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1811098 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

RECEIVED
NOV - 7 2005

TOWN OF NEW WINDSOR
COMPTON TOWN OFFICE

ORDER:

Printed By: THRFODRIL Date: 10/25/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LNER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THM Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 10/28/2005 End Date - 10/28/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tear sheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 48.22 Payment Method: B1 Amount Paid: 0 Amount Owed: 48.22

Price Method: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LE1

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

VOUCHER
NUMBER

DATE VOUCHER RECEIVED _____

DEPARTMENT

**CLAIMANT'S
NAME
AND
ADDRESS**

TIMES HERALD-RECORD

**P.O. Box 2046, 40 Mulberry Street
Middletown, New York 10940-6357**

FUND - APPROPRIATION

AMOUNT

TOTAL

ENTERED ON ABSTRACT NO.

DETAILED INVOICES MAY BE ATTACHED AND TOTAL ENTERED ON THIS VOUCHER.
CERTIFICATION BELOW MUST BE SIGNED.

TERMS

PURCHASE
ORDER NO.

DATE	VENDOR'S INVOICE NO.	QUANTITY	DESCRIPTION OF MATERIALS OR SERVICES	UNIT PRICE	AMOUNT
10/28/05			<p>Legal Notice (s)</p> <p><i>Ad# 1811098</i></p> <p>Fed. No. 14-1513238</p> <p>(SEE INSTRUCTIONS ON REVERSE SIDE)</p>		48.22
				TOTAL	48.22

Patricia Foddrill

CLAIMANT'S CERTIFICATION

I, _____, certify that the above account in the amount of \$ 750.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

10/28/05
DATE

Patricia J...
SIGNATURE

Legal Sales Representative

(SPACE BELOW FOR MUNICIPAL USE)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

DATE _____

AUTHORIZED OFFICIAL

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

APPROVAL FOR PAYMENT

**This claim is approved and ordered paid
from the appropriations indicated above.**

DATE _____

AUDITING BOARD

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

10/28/05

Signature of Representative:

Patricia Foddrill

Sworn in before me this

Day of

Nov.

2005

Gretchen Pina Breedy

Notary Public, Orange County

GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/29/05



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

October 25, 2005

Louis Lupinacci
3 Valley Lane
Upper Saddle River, NJ 07458

SUBJECT: REQUEST FOR VARIANCE #05-62

Dear Mr. Lupinacci:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Lake Road
New Windsor, NY

is scheduled for the November 14th, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

CC: William B. Hildreth, LS
407 South Plank Road – Unit 3
Newburgh, NY 12550

LOUIS_LUPINACCI_(05-62)

Mr. William Hildreth appeared before the board for this proposal.

MR. KANE: Request for 27.5 ft. minimum lot width for lot #1 and Lot #2 of proposed two lot residential subdivision on Lake Road.

MR. HILDRETH: My name is William Hildreth, I'm a land surveyor that prepared the plan that was submitted with this application representing Mr. Lupinacci for this subdivision. What we have is a five acre vacant piece of land created by a subdivision in 1978, I believe Gina Nicola subdivision purchased by Mr. Lupinacci in 1985. And the 2 lot subdivision that we're proposing complies with all of the zoning regulations with the exception of lot width and that's only because of the most recent zone change. The amount of variance we need is 27 1/2 feet required now 175 as opposed to the previous which was 125. Had this subdivision been done earlier the 125 would have worked. The reason we're asking for the variance I'll cut right to the chase here, I have another plan here that's a preliminary that was prepared by the engineers who are going to be doing the septic system and we can subdivide this without a variance, however, it doesn't make sense because it creates two unequal lots in terms of development potential, the plan you have shows a line going down the middle, the red line would be compliant with zoning.

MR. KANE: For both, both pieces?

MR. HILDRETH: Yes, the yellow line would be the building envelope and you can see that the houses would not have the potential of being more or less lined up, one of them would be more towards Lake Road and there are unequal lot development envelopes that way. So we're asking for--

MR. KANE: Wait, step on back, the red line?

MR. HILDRETH: Would be a compliant subdivision line and the reason is by the way--

MR. KANE: How would the front on this--go ahead.

MR. HILDRETH: You have a private road become here the frontage counts and you add them up, I forgot to tell you that.

MR. KANE: Thank you.

MR. HILDRETH: I jumped ahead of myself, I'm sorry.

MR. KANE: Math didn't work.

MR. HILDRETH: I promise I'll do better the next time.

MR. KANE: What I was looking at was here's this lot line and he said they would be legal if they pulled it over here that would give it the 175 here but you can add this and there's a private road back here they can add to which--

MR. HILDRETH: They're not going to access but the frontage allows you to use that in the zoning calculations so we can make it a compliant lot along the red line but you'd have a severely diminished buildable area here and you'd be creating two unequal lots.

MR. KANE: I think we have enough crazy lots in New Windsor.

MR. HILDRETH: That's what I was hoping to tell you what we want to do isn't crazy.

MR. KANE: In the building of the homes on these two

particular lots, they won't need any variances?

MR. HILDRETH: Negative, everything else is fine. Now that's assuming whoever buys or develops and builds isn't going to come in with a 15 room idiot box, McMansion, I'm assuming sanity is going to prevail.

MR. KANE: Will there be septic and wells?

MR. HILDRETH: Correct, there's no public utilities out here, so there's well and septic. We have an engineer on board, designs are not complete yet, should we get through the variance, they'll be presented to the planning board prior to their approval of the subdivision.

MR. KANE: I have no further questions at this time.

MS. LOCEY: Access to both houses would be from Lake Road?

MR. HILDRETH: Correct, private road will not be utilized for either lots.

MS. LOCEY: Agenda indicates Lake Road but on the notice of disapproval from the planning board it says west side Lake Road. The name of the road is Lake Road?

MR. HILDRETH: The name of the road is Lake Road, it's located on the west side.

MR. KANE: Any other questions? I'll accept a motion.

MR. BROWN: Make a motion that we set up Louis Lupinacci for a public hearing for request for 27 1/2 minimum lot width for lot 1 and 2 of proposed 2 lot residential subdivision on Lake Road in an R-1 zone.

MS. GANN: Second the motion.

September 26, 2005

13

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 09-26-05

FOR: ESCROW 05-62

FROM:

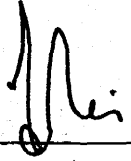
Louis Lupinacci
3 Valley Lane
Upper Saddle River, NJ 07458

CHECK NUMBER: 213

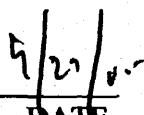
TELEPHONE: 201-327-1485

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: September 16, 2005

PROJECT: Louis Lupinacci ZBA # 05-62
P.B.# _____

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) G VOTE: A 5 N 0

GANN	A
LOCEY	A
BROWN	A
MCDONALD	A
REES	
KANE	A

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)____ S)____ VOTE: A__ N__.

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y_____N_____.

[illegible]

ZBA #05-62
Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#923-2005

09/27/2005

Lupinacci, Louis
3 Valley Lane
Upper Saddle River, NJ 07458

Received \$ 50.00 for Zoning Board Fees, on 09/27/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

September 22, 2005

Louis Lupinacci
3 Valley Lane
Upper Saddle River, NJ 07458

SUBJECT: REQUEST FOR VARIANCE #05-62

Dear Mr. Lupinacci:

This letter is to inform you that you have been placed on the September 26, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Lake Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

cc: William B. Hildreth, LS
407 South Plank Road – Unit 3
Newburgh, NY 12550



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

30 AUGUST 2005

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (201) 327-1485

Fax Number: () /

(Name)

3 VALLEY LANE UPPER SADDLE RIVER N.J. 07458

(Address)

II. Applicant:

OWNER

Phone Number: () (SAME)

Fax Number: () /

(Name)

(SAME)

(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: () (SAME)

Fax Number: () /

(Name)

OWNER

(SAME)

(Address)

IV. Contractor/Engineer/Architect (Surveyor):

Phone Number (845) 566-6650

Fax Number: (845) 966-6693

(Name)

WILLIAM B. HILDEETH

407 SOUTH PLANK ROAD UNIT 3 NEWBURGH, N.Y. 12550

(Address)

V. Property Information:

Zone: R-1 (A-5) Property Address in Question: LAKE ROAD, NEW WINDSOR

Lot Size: 5.05 AC. Tax Map Number: Section 57 Block 1 Lot 98

a. What other zones lie within 500 feet? R-4

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? 1985

d. Has property been subdivided previously? YES If so, When: 1978

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? PROPERTY IS CURRENTLY VACANT

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>		<u>Variance Request</u>	
		<u>LOT 1</u>	<u>LOT 2</u>	<u>LOT 1</u>	<u>LOT 2</u>
Min. Lot Area	80,000 S.F.	114,095 S.F.	105,682 S.F.	0	0
Min. Lot Width	175'	147.5'	147.5'	27.5'	27.5'
Reqd. Front Yd.	45'	>45'	>45'	0	0
Reqd. Side Yd.	40'/80'	>40'/80'	>40'/80'	0	0
Reqd. Rear Yd.	50'	>50'	>50'	0	0
Reqd. St Front*	70'	209.0'	147.5'	0	0
Max. Bldg. Hgt.	35'	<35'	<35'	0	0
Min. Floor Area*	1200 S.F.	>1200 S.F.	>1200 S.F.	0	0
Dev. Coverage*	20%	<20%	<20%	0	0
Floor Area Ration**	N/A	—	—	—	—
Parking Area	N/A	—	—	—	—

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

GRANTING VARIANCES WILL PERMIT THE POTENTIAL DEVELOPMENT OF EACH LOT TO BE MORE UNIFORM RESULTING IN AN APPEARANCE MORE IN KEEPING WITH THE CHARACTER OF THE NEIGHBORHOOD. WHILE SUBDIVISION IS POSSIBLE WITHOUT VARIANCES, RESULTS ARE LOTS MORE RESTRICTED IN DEVELOPMENT THEREFORE LESS ABLE TO STAY IN KEEPING WITH NEIGHBORHOOD CHARACTER. VARIANCES ARE NOT SUBSTANTIAL (16%). THERE WILL BE NO ADVERSE EFFECT OR IMPACT ON THE ENVIRONMENT-ONLY THAT WHICH COULD BE EXPECTED BY THE PERMITTED DEVELOPMENT. WHILE THE DIFFICULTY IS SELF-CREATED, VARIANCE IS NOT SUBSTANTIAL AND IS ACTUALLY PERMITTING DEVELOPMENT MORE IN KEEPING WITH THE CHARACTER OF THE NEIGHBORHOOD.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
VARIANCES WILL PERMIT A MORE UNIFORM DEVELOPMENT OF EACH LOT.
RESULTS WILL BE MORE IN KEEPING WITH NEIGHBORHOOD CHARACTER
AND THE SPIRIT OF THE ZONING LAW.

XIII. ATTACHMENTS REQUIRED:

- ☒ ~~Copy of contract of sale, lease or franchise agreement.~~ ^{N/A} Copy of deed and title policy. ^{N/A}
☒ Copy of ~~site plan or~~ survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
^{N/A} ☐ Copies of signs with dimensions and location.
☒ Three checks: (each payable to the TOWN OF NEW WINDSOR)
☒ One in the amount of \$ 300.00 or 500.00 (escrow)
☒ One in the amount of \$ 50.00 or 150.00 (application fee)
☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
^{N/A} ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.) PROPERTY IS VACANT LAND

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

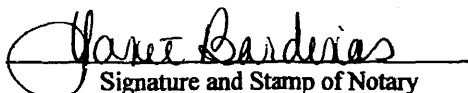
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

25th day of August 20 05.


Owner's Signature (Notarized)

LOUIS LOPINACCI
Owner's Name (Please Print)


Signature and Stamp of Notary

YANET BARDINAS

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Oct. 6, 2008

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

Applicant's Signature (If not Owner)

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT

(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

LOUIS LOPINACCI, deposes and says that he resides
(OWNER)
at 3 VALLEY LANE in the County of BERGEN
(OWNER'S ADDRESS)
and State of NEW JERSEY and that he is the owner of property tax map
(Sec. 57 Block 1 Lot 98)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

WILLIAM B. HILDRETH, L.S.

407 SOUTH PLANK ROAD UNIT 3 NEWBURGH, N.Y. 12550

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8/25/05

**

Louis Lopinacci
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:

25th day of August 2005

Applicant's Signature (If different than owner)

William B. Hildreth
Representative's Signature

Yanet Bardinias
Signature and Stamp of Notary

YANET BARDINAS

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Oct 6, 2009

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

RD-33-13490

THIS INDENTURE, made the 27 day of June, nineteen hundred and eighty-five
 BETWEEN GINO NEPOLA and ELIZABETH PATRICIA NEPOLA by ALFRED F. CAVALARI,
 their attorney in fact, both residing at 500 East Gate Road, Ridgwood, NJ 07450

party of the first part, and LOUIS LUPINACCI and DORETTA LUPINACCI, husband and wife,
 residing at 23 Pine Hill Drive, Upper Saddle River, New Jersey 07458

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100(\$10.00)----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
 and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and

being in the Town of New Windsor, County of Orange and State of New York, being
 Lot No. 2 on map entitled "Subdivision prepared for Gino Nepola dated August 9
 1978" and filed in the Orange County Clerks Office as Map Number 4661.

SUBJECT to restrictions and covenants as contained in agreement with the Town of
 New Windsor dated August 21, 1978 and filed October 10, 1978 in Liber 2113 of
 deeds at page 36.

SUBJECT further to restrictions that any building shall be set back 70 feet
 from Lake Road.

SUBJECT to the following restrictions which shall run with the title to the land
 forever:

1. That no shack, shanty or trailer shall be erected or permitted on said
 premises nor shall any tent, camper or similar structure be used at any time for
 living purposes.
2. That no unsightly offensive or objectionable materials shall be stored or
 kept on said premises nor shall any nuisances be maintained.
3. That no hogs may be kept or maintained on said premises but a reasonable
 number of household pets may be so maintained.

SUBJECT to terms and conditions of Private Road Maintenance Declaration dated
 January 26, 1984 and recorded February 8, 1984 in Liber 2275 of deeds page 690
 in the Orange County Clerks Office.

MAP 57 BLOCK 1 LOT 98

057320

TOGETHER with all right title and interest, if any, of the party of the first part in and to the streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

GINO NEPOLA & ELIZABETH PATRICIA NEPOLA
by Alfred F. Cavaleri
Attorney-in-fact
GINO NEPOLA and ELIZABETH PATRICIA
NEPOLA by Alfred F. Cavaleri,
their attorney-in-fact.

LIBER 2382 PG 155

STATE OF NEW YORK, COUNTY OF

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____, 19____, before me personally came _____

On the _____ day of _____, 19____, before me personally came _____

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____, 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

On the _____ day of _____, 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the _____ of _____

that he is the _____ of _____

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK: COUNTY OF ORANGE

On the 27 day of JUNE, 1985 before me came ALFRED F. CAVALARI to me known to be the attorney-in-fact of GINO NEPOLA & ELIZABETH PATRICIA NEPOLA, the individuals described in and who by their said attorney-in-fact executed the foregoing instrument, and duly acknowledged before me that he executed the same as the act of GINO NEPOLA AND ELIZABETH PATRICIA NEPOLA therein described and for the purposes therein mentioned by virtue of separate Powers of Attorney duly executed by the said GINO NEPOLA & ELIZABETH PATRICIA NEPOLA both dated March 27, 1985 recorded in the Orange County Clerks Office on March 29, 1985 at Liber 2342 p335 as to ELIZABETH PATRICIA NEPOLA and LIBER 2342p338 as to GINO NEPOLA.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. _____

SECTION _____

BLOCK _____

LOT _____

COUNTY OR TOWN _____

Notary Public

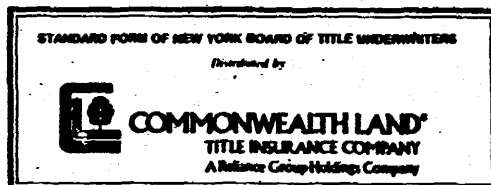
CATHERINE A. JOHNSON
Notary Public, State of New York
No. 4685966

Qualified in Orange County
My Commission Expires March 30, 1987

TO

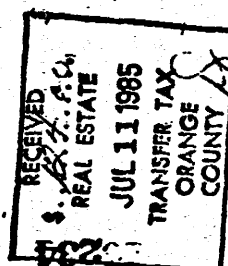
Recorded at Request of COMMONWEALTH LAND
TITLE INSURANCE COMPANY

RETURN BY MAIL TO:



William B. MORLEY, ESQ.
23 CRESCENT DRIVE
PO BOX 232C
CONVENT STATION, NJ
Zip No. 07961

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



LIBER 2382 PG 156

Orange County Clerk's Office, ss

Recorded on the 11 day of JULY, 1985 at 11:00 a.m.of 23 CRESCENT DRIVE CONVENT STATION, NJclock 11:00 a.m. in Liber 2382 at page 156

and Examined.

Maurice S. Murphy

Notary Public